

U.S. Patent Application Serial No. **09/926,260**
Amendment filed January 17, 2006
Reply to OA dated March 7, 2005

REMARKS

Claims 8, 10-16 and 18-21 are pending.

The amendments to claim 8 are supported in the specification on p.17 lines 1 and 5. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **March 7, 2005**.

Claims 8 and 10-21 are rejected under 35 USC 112, first paragraph, because the specification, while being enabling for the amount of layered phyllosilicate (or a dispersion with a particular concentration thereof) and the duration(time) of an addition of said dispersion to a component, does not reasonably provide enablement for the claim having unlimited variations.
(Office Action p.2)

Claim 8 has been amended to recite upper and lower limits of the amount of layered phyllosilicate thereby satisfying this rejection.

Claims 8 and 10-21 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office Action p.3)

Since claim 8 does in fact recite "A process for producing a polyester resin composition containing a thermoplastic polyester resin and *layered phyllosilicate consisting of untreated phyllosilicate* comprising..." it already covers untreated phyllosilicate. Because of this recitation, claim

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17 is not necessary. The applicants agree with the Examiner that claim 17 is redundant and have canceled this claims.

The cancelling claim 17 should address and overcome the rejection.

Claims 10-21 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Matayabas et al (WP 98/29499). (Office Action p.4)

The Applicants are now claiming adding a dispersion of layered phyllosilicate and water continuously or successively at a rate of 0.01 to 10.0 parts by weight per minute based on 100 parts by weight of the component having low polymerization degree of the thermoplastic polyester resin. Nowhere is this step disclosed in Matayabas.

As discussed in the previously submitted response, Matayabas does not specifically disclose the preparation process of the claimed invention which comprises mixing a dispersion of layered phyllosilicate and water with pre-polymer, and therefore the effect obtained therefrom could not possibly be suggested in Matayabas. This is evident from the Examples of Matayabas. In the Examples of Matayabas, a layered phyllosilicate treated with an organic cation compound is used, and therefore the condition of the layered phyllosilicate finely dispersed in a polymer can be maintained. In contrast, in Comparative Example 11 to 13 of Matayabas (p.33-34), an untreated layered phyllosilicate is used and a layered phyllosilicate is not sufficiently dispersed in a polymer.

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Since the stability effect by using a treating agent cannot be obtained when an untreated layered phyllosilicate is used, a layered phyllosilicate cannot be finely dispersed in a polymer by the process comprising mixing a dispersion of layered phyllosilicate and water at one time to pre-polymer and then removing water.

Because claim 10 is nowhere disclosed in Matayabas, it is impossible for the reference to anticipate the invention as now claimed. Therefore the rejection under 35 USC §102(b) is overcome. Without additional disclosure, Matayabas also cannot logically suggest the claimed rate of adding a dispersion of layered phyllosilicate and water continuously or successively at the rate of 0.01 to 10.0 parts by weight. Therefore the invention as now claimed is also not suggested by Matayabas alone.

The Applicants respectfully urge the Examiner to reconsider the rejection and pass all claims to issue at the earliest convenience.

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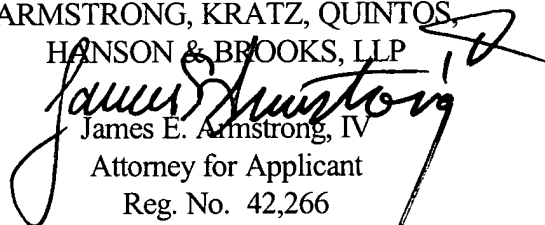
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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